

canal, and leaving clear passage for the tow path, is deleted as obsolete.

The Public Utility Companies Article Review Committee notes for the consideration of the General Assembly that it is unclear whether the procedure for applying to the Board of Public Works for a crossing under this section has been superseded. Section 5-502 of the Environment Article, requires every person to obtain a permit from the Maryland Department of the Environment in order to, "appropriate or use or begin to construct any plant, building, or structure which may appropriate or use any waters of the State ...". Diverting or crossing unnavigable waters, as authorized by Art. 23, § 203, and crossing navigable waters by bridge or tunnel, as authorized by Art. 23, § 206, are activities that are considered to use or appropriate State waters and would therefore seem to be subject to the permitting requirements of § 5-502 of the Environment Article. The General Assembly may wish to delete this section.

Defined terms: "County" § 1-101  
 "Maryland railroad company" § 9-301

#### 9-305. CROSSING OTHER RAILROADS.

##### (A) POWER TO CROSS OTHER RAILROADS.

(1) WHENEVER NECESSARY IN THE CONSTRUCTION OF A RAILROAD, A MARYLAND RAILROAD COMPANY MAY CROSS THE TRACKS OF ANOTHER RAILROAD COMPANY.

(2) CROSSINGS MAY BE MADE AT, OVER, OR UNDER GRADE.

##### (B) CONDEMNATION OF EASEMENTS.

IF A MARYLAND RAILROAD COMPANY IS UNABLE TO AGREE ON THE TERMS FOR A CROSSING WITH THE RAILROAD COMPANY WHOSE TRACK IS TO BE CROSSED, THEN THE MARYLAND RAILROAD COMPANY MAY CONDEMN THE EASEMENT OF THE CROSSING UNDER § 5-405 OF THIS ARTICLE.

##### (C) GRADE CROSSINGS.

(1) A MARYLAND RAILROAD COMPANY THAT CONSTRUCTS A CROSSING AT GRADE SHALL:

(I) AT ITS OWN EXPENSE, ERECT A PROPER SIGNAL STATION AT THE CROSSING AND KEEP A WATCHMAN THERE; AND

(II) GIVE PRECEDENCE TO THE TRAINS OF THE RAILROAD COMPANY WHOSE TRACKS ARE CROSSED.

(2) A MARYLAND RAILROAD COMPANY THAT CONSTRUCTS AN UNDERGRADE OR OVERGRADE CROSSING SHALL CONSTRUCT THE CROSSING SO AS NOT TO INTERFERE WITH THE PASSAGE OF THE TRAINS OF THE RAILROAD COMPANY WHOSE TRACKS ARE BEING CROSSED.